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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NARRATIVE ARK ENTERTAINMENT, LLC,

Plaintiff,

- against -

ARCHIE COMIC PUBLICATIONS, INC. and
SEGA OF AMERICA, INC.,

Defendants.

Civil Action No. 7:16-cv-06109-VB

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the pleadings on file with the Court and the accompanying Memorandum of Law in Support, Defendant, Archie Comic Publications, Inc. ("ACP"), will move the Court before the Honorable Vincent L. Briccetti, at the United States Courthouse, 300 Quarropas Street, Room 630, White Plains, New York 10601, on a date and time to be determined by the Court, for an order, pursuant to Rule

12(b)(6) of the Federal Rules of Civil Procedure, dismissing Counts III-VI¹ of Plaintiff's Complaint on the ground that each claim fails as a matter of law, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 13, 2016

Respectfully submitted,

s/ Edmund J. Ferdinand, III
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*Counsel for Defendant,
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¹ Plaintiff has mis-numbered the Counts in the Complaint. Plaintiff has erroneously labeled two different Counts as "Count II." The motion is directed to the Third, Fourth, Fifth and Sixth Counts as asserted in the Complaint as if they had been numbered correctly.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on October 13, 2016, the foregoing NOTICE OF MOTION was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Alexander Malbin